

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

ARNOLDO GIRON, JUAN CARLOS
JAUREGUI, EDVIN GIRON, ROBERTO
GIRON, JOSE GUTIERREZ, and RUBEN
DUARTE, on behalf of themselves and a class
similarly situated

PLAINTIFFS

v. No. 4:07CV00568 GTE

CITY OF ALEXANDER, CHIEF ALLEN
SPEARS; Individually and in his capacity as
the Chief of Police of the Alexander, Arkansas
Police Department; OFFICER TOMMY LEATH,
Individually and in his official capacity as a police
officer with the Alexander, Arkansas Police Department
and METRO TOWING & RECOVERY, LLC

DEFENDANTS

AGREED PROTECTIVE ORDER

Plaintiffs have requested discovery of records containing sensitive and personal information. In order to permit Plaintiffs adequate access to the records necessary to completely present this case herein, and, at the same time to protect the personal privacy of Separate Defendants and employees, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. Separate Defendants have agreed to produce complete unexpurgated copies of personnel files of various employees, as well as citations issued by the Alexander Police Department;
2. Said documents shall be considered confidential;
3. Further, any documents produced in the future, which are responsive to discovery requests that are reasonably calculated to lead to the discovery of admissible evidence and not

otherwise objectionable and which both parties agree are personal and private in nature in writing shall be considered confidential and subject to the terms of this Order;

4. All confidential records or other information provided hereunder shall be used for the purpose of this litigation and none of the confidential material may be used for any other purpose whatsoever. Moreover, neither Plaintiffs nor their counsel may utilize directly or indirectly the confidential records, documents, or other information made available pursuant to this Order in any other administrative complaint, proceeding, or civil action;

5. All confidential records, documents, tapes, or other information provided hereunder shall be retained in the custody of the Plaintiffs' counsel including their paralegal, secretarial staff, and/or other staff members, during the pendency of this litigation. Plaintiffs' counsel may also provide copies of such confidential records, documents or other information to any expert witness[es] retained by the Plaintiffs or persons frequently employed by such expert[s] whose review of the material is necessary for the Plaintiffs' prosecution in this litigation;

6. If confidential documents or records are used during depositions, the depositions shall be treated as confidential in accordance with this Order.

7. Any document, information or deposition designated as confidential under this Order shall, when filed with the Court, be clearly marked "confidential" sealed, placed in separate, secure storage by the Clerk, and opened only by authorized Court personnel.

8. Plaintiffs, Plaintiffs' counsel and their staff and the retained expert witness/witnesses shall not in any manner, directly or indirectly, transfer confidential records, documents or other information provided hereunder or copies thereof, or communicate, orally or in writing, any of the data contained in said material to any person.

9. Plaintiffs' counsel, promptly upon completion of this litigation, or before if at such time they have no further use of the confidential information, whichever shall first occur, shall return to the Separate Defendants all materials produced, and all copies and extracts of data from such materials;

10. This Protective Order shall govern all pre-trial proceedings, but shall be subject to modification either before, during or after the trial on the merits, upon application of any of the parties to this lawsuit and for good cause shown.

11. The provisions of this Order shall not affect the admissibility of evidence at trial or any preliminary evidentiary proceeding in open court, except as directed by separate Order of this Court.

12. This Order is without prejudice to the rights of any party to make objections to the discovery as permitted by the Federal Rules of Civil Procedure, or by any statute or other authority.

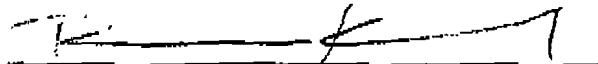
IT IS SO ORDERED THIS 9th DAY OF January, 2008

G. Thomas Eisele
Honorable G. Thomas Eisele
United States District Court

APPROVED AS TO FORM:

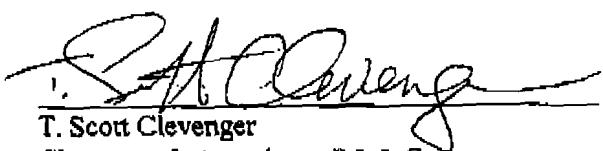
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